

**UNITED STATES DISTRICT COURT**  
 for the  
 District of Oregon

In the Matter of the Search of  
 (Briefly describe the property to be searched  
 or identify the person by name and address)  
 Subject Parcels 1-83, located at  
 HSI at 4130 SW Macadam Ave, Port. OR 97239  
 as described in Attachment A

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 Case No.

'18 -MC-073 ABC

FILED 31 JAN 18 15:03 SDR-OPP

**APPLICATION FOR A SEARCH WARRANT**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Subject Parcels 1-83, located at

HSI at 4130 SW Macadam Ave, Port. OR 97239, as described in attachment A.

located in the \_\_\_\_\_ District of Oregon , there is now concealed (identify the person or describe the property to be seized):

The information and items set forth in Attachment B hereto.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

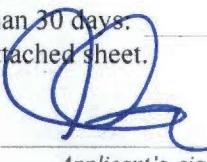
- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 USC § 841 and 846	Conspiracy and Possess w/ Intent to Distribute Controlled Substances
18 USC § 545 and 1716	Smuggling Goods into the US
18 USC § 2320	Trafficking in Counterfeit Goods or Services

The application is based on these facts:  
 See affidavit which is attached hereto and incorporated herein by this reference.

- Continued on the attached sheet.
- Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days) \_\_\_\_\_ is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
 Applicant's signature

Clinton Lindsly, Special Agent, DHS/ICE/HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: Jan. 31, 2018

City and state: Portland, Oregon

  
 Judge's signature

Staci F. Beckerman, United States Magistrate Judge

Printed name and title

**Attachment A**

**Parcels to be Searched:**

The following United States Postal Service (“USPS”) mail parcels and/or FedEx parcels, presently in the possession of **Homeland Security Investigations at 4130 SW Macadam Avenue, Portland, OR 97239**:

**DESCRIPTION OF SUBJECT PARCELS**

**Subject Parcels 1 – 60**

**Subject Parcels 1 – 60** are contained in HSI evidence bag number L1744786. All are white mailer envelopes with paid postage all processed in Harrisburg, PA and received from Earth Class Mail in Beaverton, OR. All envelopes have the following sender and recipient address information:

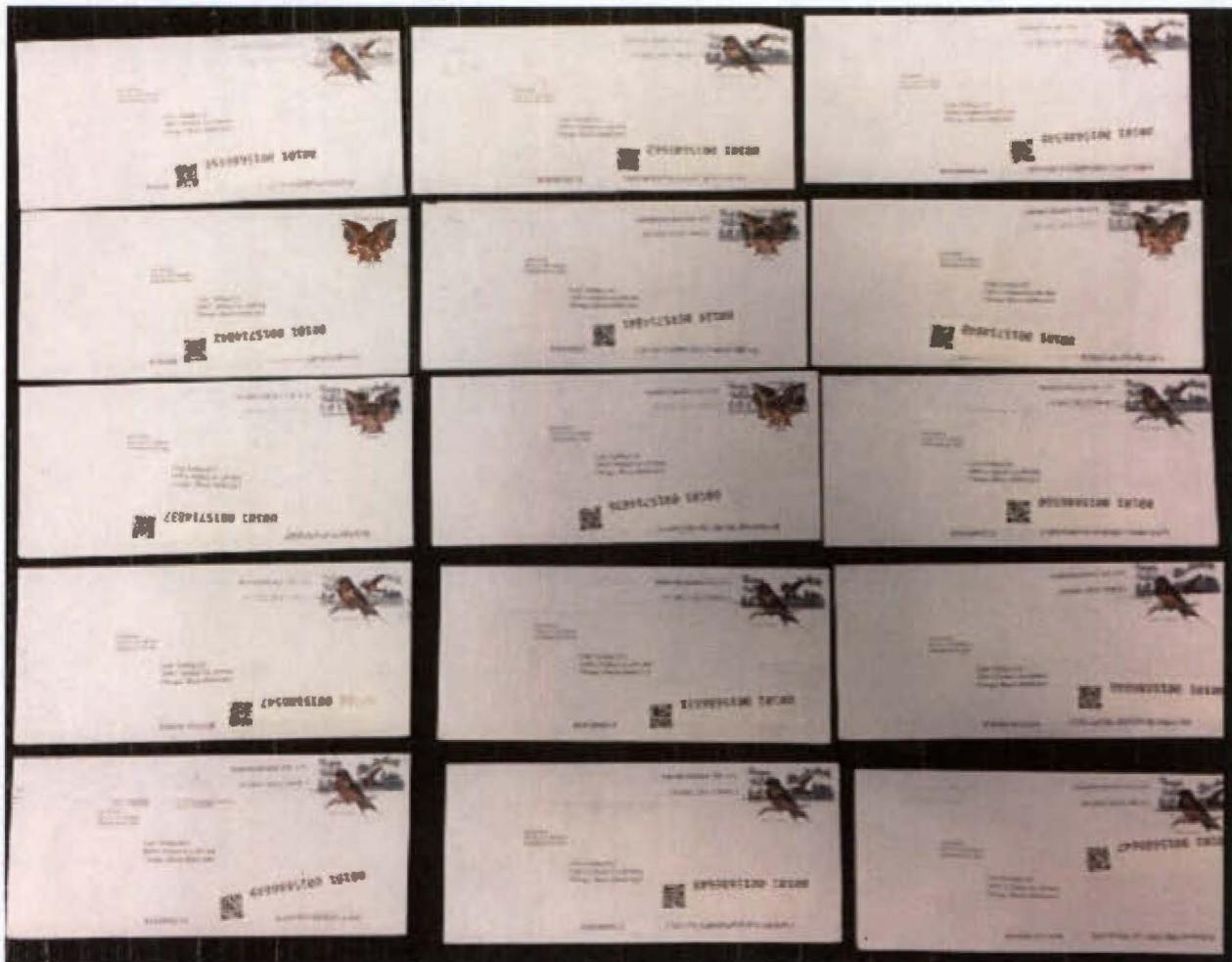
Sender:

Joe Kline  
519 N 11<sup>th</sup> Street  
Lebanon, PA 17042

Recipient:

Carla Trading LLC  
1608 S Ashland Avenue #91904  
Chicago, IL 60608

And further described as:









**Subject Parcels 61 – 66 (are contained in HSI evidence bag number L1744788)**

**Subject Parcel 61:** a white envelope with the following information:

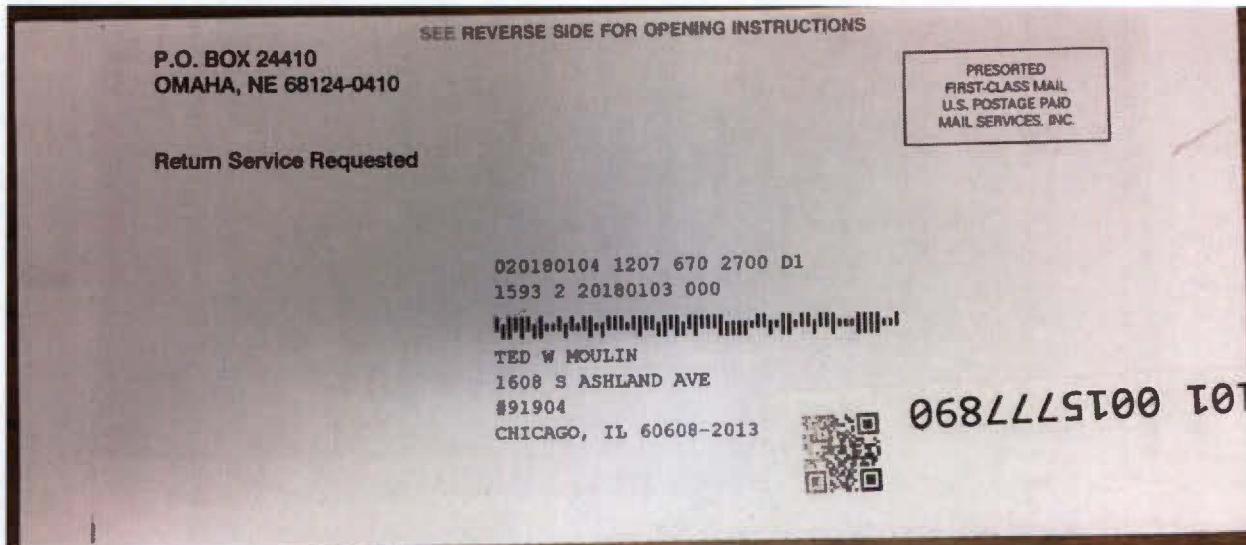
Sender:

PO Box 24410  
Omaha, NE 60124

Recipient:

Ted W Moulin  
1608 S Ashland Avenue #91904  
Chicago, IL 60608

With ECM bar code number 1010015777890:



**Subject Parcel 62:** a white envelope with the following information:

Sender:

HSBC Bank USA, N.A. Fraud Management  
PO Box 1257, Buffalo, New York 14240

Recipient:

Ted W Moulin  
1608 S Ashland Avenue #91904  
Chicago, IL 60608

With ECM bar code number 001010015791796:



**Subject Parcel 63:** a white envelope with the following information:

Sender:

United States Postal Service  
International Research Group  
PO Box 512318

Recipient:

Ted Moulin  
1608 S Ashland Avenue #91904  
Chicago, IL 60608

With ECM bar code number 001010015761023:



**Subject Parcel 64:** a brown bubble mailer envelope mailed via USPS first class mail from New York:

Sender:

J Chgung  
4167 "illegible"  
Elmhurst, NY 11373

Recipient:

Harry Whitman  
1608 S Ashland Avenue #91904  
Chicago, IL 60608

With USPS tracking number 95001159875573320728; and

With ECM bar code number 001010015644609:



**Subject Parcel 65:** a white FedEx envelope:

Sender:

HSBC  
10910 Mill Valley Road  
Omaha, NE 68154

Recipient:

Ted W. Moulin  
1608 S Ashland Avenue #91904  
Chicago, IL 60608

With FedEx tracking number 416778529146; and  
With ECM bar code number 001010015753877:



**Subject Parcel 66:** a brown bubble envelope mailed via USPS with the following information:

Sender:

B & D Labels  
340 S Lemon Avenue  
Walnut, CA 91789

Recipient:

James Peacock  
1608 S Ashland Avenue #91904  
Chicago, IL 60608

With USPS tracking number 9400111899220486672715; and  
With ECM bar code 001010015568030:



**Subject Parcels 67 – 83**

**(are contained in HSI evidence bag number L386623)**

**Subject Parcels 67 – 83** are all white mailer envelopes with paid postage, processed in Harrisburg, PA, and received from Earth Class Mail in Beaverton, OR. All envelopes have the following sender and recipient address information:

**Sender:**

Joe Kline  
519 N 11<sup>th</sup> Street  
Lebanon, PA 17042

**Recipient:**

Carla Buffington  
337 Garden Oaks Blvd. #91904  
Houston, TX 77018

And further described as:





**Attachment B****Particular Things to be Seized:**

The following controlled substances, records, documents, and items that constitute evidence, contraband, fruits, and/or instrumentalities of violations of the following federal criminal statutes involving the unlawful use of the U.S. mails with intent to distribute controlled substances, and proceeds of unlawful activity, in violation of 18 U.S.C. § 1952(a)(1); distribution and possession with intent to distribute controlled substances, in violation of 21 U.S.C. §§ 841(a)(1), 843(b) and 846; 18 U.S. Code § 545 - Smuggling goods into the United States; 18 U.S. Code § 2320 - Trafficking in counterfeit goods or services; and 18 U.S.C. § 1716; as well as evidence of conspiracy to commit these offenses in violation of 21 U.S.C. § 846, 18 U.S. Code § 545, 18 U.S. Code § 2320, and criminal forfeiture related to drug trafficking, as provided in 21 U.S.C. § 853:

1. **Controlled substances, including marijuana, methamphetamine, cocaine, heroin, MDMA (ecstasy), and any other illegal controlled substance listed in DEA Scheduling of Controlled Substances.**
2. **Currency and proceeds of controlled substance trafficking.**
3. **Packaging material and contents.**
4. **Any items of identification, records, correspondence, accounts, bank statements, ledgers, pay-and-owe sheets, or other documents associated with the manufacture, distribution, or possession of controlled substances or the possession or distribution of currency and proceeds of controlled substance trafficking, or with the laundering of monetary instruments.**

UNITED STATES DISTRICT COURT )  
DISTRICT OF OREGON ) AFFIDAVIT OF CLINTON LINDSLEY

**Affidavit in Support of an Application  
Under Rule 41 for a Search Warrant**

I, Clinton Lindsly, being duly sworn, do hereby depose and state as follows:

## Introduction and Agent Background

1. I have been employed as a Special Agent by Homeland Security Investigations (“HSI”) since August of 2010. I am currently assigned to the ICE/HSI Office of the Assistant Special Agent in Charge, in Portland, Oregon. Previously, I was assigned to the ICE/HSI Office in Los Angeles, California, where I worked for over six years in an Undercover capacity investigating money laundering and narcotics crimes in a laundering and narcotics group that specialized in undercover operations. My formal law enforcement training includes successfully completing the 23 week HSI basic training course at the Federal Law Enforcement Training Center in Glynco, Georgia. During the training, I learned how controlled substances are manufactured, consumed, packaged, marketed, and distributed. Since then, I have participated in dozens of drug investigations involving controlled purchase operations, physical surveillance, trash searches, vehicle tracking, cell phone geo-location techniques, cell-site simulators, undercover operations including narcotics and money laundering, and pen register/trap and trace orders. I have interviewed and managed informants in drug cases, prepared and executed search warrants, arrested and interviewed suspects, conducted physical surveillance, and operated / utilized electronic and video surveillance equipment during my drug investigations. I have also worked with and consulted numerous agents and law enforcement officers who have investigated drug trafficking.

**Applicable Law**

2. I submit this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search 83 domestic<sup>1</sup> mail envelopes (“**Subject Parcels 1 - 83**” and collectively “**Subject Parcels**”), as described in **Attachment A**, for evidence, contraband, fruits, and instrumentalities of violations of the federal criminal statutes involving the unlawful use of the U.S. mails with intent to distribute controlled substances, and proceeds of unlawful activity, in violation of 18 U.S.C. § 1952(a)(1); conspiracy, distribution and possession with intent to distribute controlled substances, in violation of 21 U.S.C. §§ 841(a)(1), 843(b) and 846; 18 U.S. Code § 545 - Smuggling goods into the United States; 18 U.S. Code § 2320 - Trafficking in counterfeit goods or services; and 18 U.S.C. § 1716; as well as evidence of conspiracy to commit these offenses in violation of 21 U.S.C. § 846, 18 U.S. Code § 545, 18 U.S. Code § 2320, and criminal forfeiture related to drug trafficking, as provided in 21 U.S.C. § 853. As set forth below, I have probable cause to believe that such property and items, as described in **Attachment B**, will be found in the **Subject Parcels**, as described in **Attachment A**.

**A. The Subject Parcels** are presently in the possession of HSI located at 4310 SW Macadam Avenue Suite 400, Portland, OR 97239.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement

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<sup>1</sup> I use the term “domestic” to identify any mail parcel that is mailed from a place within the United States to a place within the United States.

officers, a review of records related to this investigation, and information gained through my training and experience.

**Background on Controlled Substances Sent Through the Mail Services**

4. I know from my training and experience that drug traffickers frequently use mail services such as FedEx, United Parcel Service (“UPS”), Dalsey, Hillblom and Lynn (“DHL”), United States Postal Service (“USPS”), and Less Than Load (“LTL”) services to ship controlled substances, including marijuana, cocaine, heroin, methamphetamine, fentanyl, and opioids. I know from my training and experience that illegal drug recipients often use these same mail services to ship the proceeds of the illegal sale of controlled substances, or moneys used or intended to be used to facilitate the illegal sale of controlled substances, in cash, or other controlled substances, to suppliers of controlled substances. I know from training and discussions with other law enforcement officers that these controlled substances, proceeds of the illegal sale of controlled substances, and funds related to the facilitation of the illegal sale of controlled substances are often found during parcel investigations and interdictions.

5. Based on my experience, training, and discussions with other law enforcement officers experienced in drug investigations, I know it is common for drug traffickers to use fictitious identities or stolen identities of unwitting persons to facilitate the opening of shipping accounts, PO boxes, and other services used to assist their drug trafficking activities. Furthermore, drug traffickers also use prepaid credit cards such as Green Dot, Kaiku, Rush Card, and others in an attempt to conceal their identity and financial assets from law enforcement. Based on my training experience I know that, often times, drug traffickers create email accounts to help facilitate their trafficking communication.

6. Based on my experience, training, and discussions with other law enforcement officers experienced in drug investigations, I know that certain indicators often exist when drug traffickers use various mail services to ship controlled substances, proceeds of the sale of controlled substances, or funds to facilitate the sale of controlled substances from one location to another. Often times drug traffickers have a fictitious return addresses, a legitimate mailing address but a fictitious person as the recipient, over taping, concealment methods such as using "Zappos" boxes or "Amazon" bags, utilize prepaid credit cards for payment, or utilize multiple transship services to create layering between the shipper and the end recipient. Often times, when traffickers attempt to smuggle contraband or narcotics into the United States, there is a false declaration as to the true contents of the package as well as attempts to conceal the contents such as using bottles, tires, tools, electronics, or other items.

7. Drug traffickers use these various mail services because of the reliability of delivery, speed of delivery, low cost, the customer's ability to track the package's shipment online, as well as the low risk of detection by law enforcement. Shippers using these mail services pay for the benefit of being able to confirm the delivery of the parcel by checking their respective websites or calling a toll-free number. If the package is unnecessarily delayed or seized by law enforcement, often times the drug trafficker will have almost real time information of such and will not retrieve the package.

8. I know from my training and experience that drug traffickers who mail controlled substances, proceeds of the illegal sale of controlled substances, and facilitation funds are often aware that parcels are inspected by trained canines and law enforcement. Accordingly, drug traffickers often attempt to wrap their parcels, and the contents of their parcels, in a manner they believe will disguise the odor and contents of the items in the parcels. In order to conceal the

distinctive smell of controlled substances from certified controlled substance detection canines, these packages are sometimes sealed with the use of tape around the seams. Also, the parcels often contain other parcels which are carefully sealed to prevent the escape of odors. Sometimes perfumes, coffee, dryer sheets, tobacco, or other strong-smelling substances are used to mask the odor of the controlled substances, proceeds of the illegal sale of controlled substances, and/or facilitation funds being shipped. Furthermore, I know that drug traffickers often conceal their drugs inside other items such as vitamin bottles, sealed cans of food, electronics, and other items. This is done to avoid detection by law enforcement in the event that their packages are opened.

**Statement of Probable Cause**

**A. Customs and Border Protection Seize Large Quantity of Counterfeit Levitra**

9. On January 16, 2018, at approximately 10:00 a.m., Customs and Border Protection (“CBP”) inspected an inbound international DHL package with waybill #2196665262 from “XUN SHANG PIN CO LTD, 6F NO 488 FANSHEN ROAD, 48 DISTRICT BAOAN DISTRICT, IF RTO, PLS RTN TO HKG FOR SHPR, HONGKONG HKG, HONGKONG” with contact number 0755-33936034 addressed to “ALEKSANDR SMITH, 9450 SW GEMINI DE 31494, BEAVERTON, OR 97008” with contact number 3176430470 (“Drug Package-1”). Pursuant to border search authority, CBP Officers searched Drug Package-1 and seized approximately 11,000 counterfeit Levitra tablets. According to the Controlled Substance Act, Levitra is not a controlled substance. Levitra is manufactured by the Bayer Company. I provided Bayer Representative, Paul Mahon, with samples of the suspected counterfeit Levitra pills. Mahon, confirmed via chemical analysis that the pills were in fact counterfeit. This

information was subsequently forwarded to Homeland Security Investigations (“HSI”) Portland for investigative activity.

#### **B. HSI Agents Identify Transshipment Scheme Used to Facilitate Drug Trafficking**

10. At approximately 3:50 p.m., I went to Earth Class Mail (“ECM”) located in Beaverton, OR. The purpose of the visit was to serve an administrative subpoena for records related to Drug Package-1 and the associated ECM account number 31494. I met with an ECM manager<sup>2</sup> (“ECM manager”). I identified myself as a SA with HSI. Immediately upon doing so, ECM manager stated that he/she knew why I was there. ECM manager stated that I was there because he/she believed that one of their customer accounts was shipping narcotics. ECM manager stated that in early December 2017, HSI Raleigh SA Luis Castrillon served ECM with an administrative subpoena requesting documents for ECM account number 31494 (“Drug Account -31494”). ECM manager then stated that last week one of the packages belonging to Drug Account -31494 broke open revealing pills. ECM manager stated that he/she then performed an internet search of the identifying markings on the pill and that the internet stated that the pills were opioids. After conferring with his management and per the account notes entered for Drug Account -31494 (do not notify customer of current investigation), ECM manager repackaged the parcel for Drug Account -31494 and subsequently shipped the package. Since then, ECM manager stated that he/she has been holding onto all packages received for Drug Account-31494 believing that they contained narcotics and wanted to do the right thing. ECM manager then pointed to three boxes on the floor which contained numerous identical packages wrapped in white “Amazon.In” bags with the Amazon logo. ECM manager stated that

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<sup>2</sup> The ECM manager wishes to remain anonymous in an order to protect his/her identity.

there were dozens of packages belonging to Drug Account -31494 currently being held at the ECM Beaverton location pending transshipment.

11. When asked about ECM, ECM manager stated that they provide shipping and logistics services for small to medium size businesses. ECM manager stated that they have dozens of offices located across the United States and that as a customer you could choose to ship parcels to any of their locations via an online portal. After the package arrived at the selected ECM location, the customer would receive notification via their online ECM customer portal and then could enter any address to have the packages transshipped. If the customer wished to not immediately transship the package, ECM would allow the customer to "store" the package at the ECM location for daily fees. ECM manager stated that the ECM in Beaverton, OR was the only transshipment processing / holding facility and that all packages at all ECM locations across the United States that were going to be transshipped had to route through the ECM Beaverton location for final disposition.

12. At approximately 5:01 p.m., I contacted SA Castrillon via cell phone. SA Castrillion stated that on 11/28/17, HSI Raleigh was conducting international inbound inspections pursuant to border search authority at the USPS Processing and Distribution Center located in Raleigh, NC. During the inspections, agents identified a parcel with tracking number EA289591580HK ("Drug Package-2") being shipped from Hong Kong to the Drug Account - 31494 at an ECM address in Raleigh, NC. During a border search of Drug Package-2, agents seized approximately 5,916 suspected counterfeit Viagra pills. According to the Controlled Substance Act, Viagra is not a controlled substance. Based on the fact that the inbound package originated from China, a common source country of counterfeit pills, and the fact that the

contents of the package were misclassified<sup>3</sup> not identifying its true contents, SA Castrillon formed the opinion that the pills were counterfeit and shipped into the United States by means of fraud.

13. At approximately 5:10 p.m., and suspecting that accounts other than Drug Account -31494 were being utilized to facilitate the drug trafficking activities, I requested permission to walk through the sorting warehouse to look for similar packages wrapped in white Amazon bags. After receiving consent from ECM manager, I walked through the ECM warehouse and immediately noticed a large quantity of similar white Amazon bags bearing ECM account number -91904 ("Drug Account -91904") from India. Due to the similarities in packaging between Drug Account -31494 and Drug Account -91904, I requested that ECM manager pull all packages for Drug Account-31494 and Drug Account -91904 that were currently being held at the ECM Beaverton location. ECM manager told me that he/she would pull all packages for Drug Account -31494 and Drug Account -91904 and that they would be available for inspection the following day.

14. At approximately 6:10 p.m., I left the ECM Beaverton location.

#### **C. HSI Agents Detain 265 Packages Suspected of Containing Narcotics**

15. On January 17, 2018, at approximately 9:05 a.m., HSI SA Chad Lindsly and I went to ECM located in Beaverton, OR. Over the next several hours, ECM manager provided 172 packages belonging to Drug Account -31494 and 93 packages belonging to Drug Account - 91904 for inspection. During this time, SA Chad Lindsly and I performed a random extended border search on the following international packages belonging to Drug Account -31494 and Drug Account -91904:

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<sup>3</sup> During customs declaration, the contents of the package were mislabeled or misrepresented as "herbal supplements."

ECM Account	ECM Barcode	Bottle Packaging	Contents	Country of Origin
Drug Account - 31494	15697406	“Green Stamina Male Enhancement Pills”	OC 80MG Green Pill (Suspected Oxycontin)	India
Drug Account - 31494	15687244	“Green Stamina Male Enhancement Pills”	Roche 10 Blue Pill (Suspected Valium)	India
Drug Account - 91904	15521518	“Green Stamina Male Enhancement Pills”	OC 80MG Green Pill (Suspected Oxycontin)	India
Drug Account - 91904	15697421	“Green Stamina Male Enhancement Pills”	OC 80MG Green Pill (Suspected Oxycontin)	India

16. After inspecting the contents of the bottles and how the bottles were labeled as identified above, and the fact that the contents of the package were misclassified not identifying its true contents, I formed the opinion that the pharmaceuticals were counterfeit due to the country of origin, the concealment of the pills in “herbal supplement” bottles, and the inconsistencies in coloring of the pills. An external examination of the pills revealed that they were unevenly shaded and/or colored and many had blemishes and/or white spots. In my training and experience it is unlikely that lawfully manufactured pills will contain these defects. During a review of packages belonging to Drug Account -91904, 60 of the packages were domestic mail parcels with standard white mailer envelopes shipped from “Joe Kline, 519 N 11<sup>th</sup> Street, Lebanon, PA 17042” to an ECM address in Chicago, IL (**Subject Parcels 1 – 60**). I held one of the packages up to a light and observed what appeared to be a folded piece of paper containing a small plastic bag. I also felt what appeared to be a granular or powder like substance inside of the envelope consistent with powdered cocaine, heroin, or fentanyl. Typically, I would employ

the use of a narcotic detection K9 to sniff the exterior of the packages to determine if there was a potential presence of narcotics. However, based on my training and experience, I know that fentanyl and/or fentanyl analogs have become increasingly common place in the drug trafficking industry; especially imported from China and other countries. I also know that it only requires two to three milligrams (a similar amount to approximately five to seven grains of table salt) to induce respiratory depression, arrest, and possibly death. Based on this, and the fact that Drug Account -31494 and Drug Account 91904 had a large quantity of international shipments from China, a source country of fentanyl, I have not subjected the **Subject Parcels** to inspection by a narcotic K9. I then asked ECM manager if any of packages similar to the white envelopes were recently transshipped for Drug Account -91904. ECM manager advised that two envelopes were recently transshipped for Drug Account -91904 as follows:

ECM Account	ECM Barcode	USPS Tracking #	Destination Address	
Drug Account - 91904	15686427	9405536897846173184545	Kyle Hermerath, 7805 SE Alta Verde Dr., Portland, OR 97266	("Drug Package-3")
Drug Account - 91904	15686425	9405536897846173182237	Mike Davis, 956 Broken Bow Trail, Brookings, SD 57006	("Drug Package-4")

17. At approximately 1:00 p.m., SA Chad Lindsly and I met with ECM Customer Service Manager<sup>4</sup> ("ECM CSM") and served an administrative subpoena for documents relating to Drug Account -31494 and Drug Account -91904. ECM CSM provided the account records for Drug Account -31494 and Drug Account -91904. Of interest, law enforcement databases

<sup>4</sup> The ECM CSM wishes to remain anonymous to protect his/her identity.

confirmed that the driver's license and passport documents used to open Drug Account -31494 and Drug Account -91904 were fraudulent. Specifically, the driver's license number and passport number for each respective document are not valid. Furthermore, I noticed that each accounts' Postal Service Form 1583 was notarized by the same individual: ROI STEPHENS, NOTARY ID #22352352745, ST LOUIS COUNTY – STATE OF MISSOURI. Based off this, I believe that Drug Account -31494 and Drug Account -91904 are being utilized by the same drug trafficker or are members of the same drug trafficking organization ("DTO").

18. At approximately 2:00 p.m., SA Chad Lindsly conducted an internet search at the Missouri Secretary of State of website (<https://s1.sos.mo.gov/business/notary/search/notarysearch.aspx>) to verify the legitimacy of notary "ROI STEPHENS" with notary number "22352352745." This search will return notaries currently commissioned with the Missouri Secretary of State by providing first and last name or notary number. When SA Chad Lindsly attempted to enter the name "ROI STEPHENS," there were no results found. When SA Chad Lindsly attempted to enter the notary number "22352352745," the search indicated that the notary number had to be comprised of eight digits and not 11. Based off this information, SA Chad Lindsly formed the opinion that the notary "ROI STEPHENS" with notary number "22352352745" was not genuine and used in an attempt to conceal the DTO's true identities in order to legitimize the PS 1583 forms.

19. When asked about ECM's account verification process, ECM CSM stated that ECM only recently started to utilize a third party contractor to verify account holder information. Prior to this, no independent verification of reported account holder information was verified, that all documentation could be submitted electronically, and that no face-to-face interaction

with the customers ever occurred. ECM CSM stated that account information for Drug Account -31494 and Drug Account -91904 were not verified.

20. At approximately 2:30 p.m., SA Chad Lindsly and I departed ECM and transported all detained items to the HSI Portland office located at 4310 SW Macadam Avenue, Suite 400, Portland, OR 97239 for processing.

**D. HSI Agents Seize Fentanyl From Drug Package-3 Shipped From Drug Account - 91904**

21. On January 17, 2018, HSI SA Guy Gino, in conjunction with Portland Police Department ("PPB"), conducted a consensual encounter at 7805 SE Alta Verde Dr., Portland, OR 97266 ("Verde residence"). The Verde residence was the intended recipient of Drug Package-3<sup>5</sup> shipped under Drug Account -91904 with a delivery date of 1/17/18. Detectives encountered Kyle Hermerath at the Verde residence who stated that he had ordered fentanyl off the Dark net but subsequently cancelled the order because he didn't receive it. Detectives suspect that the Dark Net vendor subsequently shipped Drug Package-3 even though Hermerath claimed that he cancelled the order. PPB subsequently seized Drug Package-3 and submitted it for chemical analysis. According to other HSI investigations, Hermerath was identified to have been the recipient of at least eight other suspected fentanyl shipments<sup>6</sup> to the Verde residence, three of which were confirmed to contain fentanyl from documents recovered during a search warrant of a suspected Dark Net vendor in 2017.

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<sup>5</sup> When packages are received by ECM, they create a PDF scan of the exterior label of the package which can be accessed by the customer or ECM employees. I reviewed the PDF scan for Drug Package-3 and it appeared that the exterior Drug Package-3 was identical to **Subject Parcels 1 – 60** as described in paragraph 24.

<sup>6</sup> 3/13/17, 3/19/17, 3/27/17, 4/4/17, 4/11/17 – 1g Acryl Fentanyl, 4/18/17, 4/21/17 – 1g Acryl Fentanyl, 4/21/17 – 1g Butyr Fentanyl

**E. HSI Agents Seize 155,829 Pills and 617.5 grams of a White Powdery Substance of Suspected Fentanyl From Drug Account -31494 and Drug Account -91904**

22. On January 18, 2018, SA Chad Lindsly and I conducted an extended border search of the 172 international packages belonging to Drug Account -31494 and 33 international packages belonging to Drug Account -91904; all external packages labeled and/or classified as "herbal supplements." Approximately 155,829 pills of unknown substances and 617.5 grams of a white powdery substance were seized pending laboratory examination. After inspecting the contents of the bottles and/or boxes, how the bottles were labeled as "herbal supplements," the fact that the contents of the package were misclassified not identifying its true contents, and the country of origin, I formed the opinion that the pharmaceuticals were counterfeit. It is believed that the following counterfeit and/or smuggled pharmaceuticals were seized:

- a. "Paracetamol Tablets 500mg" (suspected counterfeit Paracetamol): 48,172 each
- b. White round pills with no markings: 5,906 each
- c. "Xanax2" beige pills (suspected counterfeit Xanax): 31,823 each
- d. "Roche 10" blue pills (suspected counterfeit Valium): 8,013 each
- e. "OC 80" green pills (suspected counterfeit Oxycontin): 19,258 each
- f. "X3 Xanax" blue pills (suspected counterfeit Xanax): 1,435 each
- g. "A215" blue pills (suspected counterfeit Oxycodone): 7,528 each
- h. "Paracetol 500mg" blister packs (suspected counterfeit Paracetol): 1,780 each
- i. "Tadalafil IP 20mg" blister packs (suspected counterfeit Tadalafil): 1,980 each

- j. "Paracetol 500mg" blister packs (suspected counterfeit Paracetol): 3,520 each
- k. "Tramadol 100mg" blister packs (suspected counterfeit Tramadol): 3,000 each
- l. "Watson 540" blue pill (suspected counterfeit Hydrocodone): 690 each
- m. "Percocet 10/325" yellow pill (suspected counterfeit Percocet): 376 each
- n. "Carisoprodol 350mg" blister packs (suspected counterfeit Carisoprodol): 290 each
- o. "Modafinil 200mg" blister packs (suspected counterfeit Modafinil): 2,980 each
- p. "OL TRAM 100mg" blister packs (suspected counterfeit OL TRAM): 11,970 each
- q. "Tapentadol 100mg" blister packs (suspected counterfeit Tapentadol): 7,020 each
- r. White powdery crystalline substance (suspected fentanyl): 0.6 kilograms

**F. Domestic Packages From Drug Account -91904 Suspected of Containing Fentanyl and Other Drugs**

23. In addition to the 199 international packages that were found to contain drugs for Drug Account -31494 and Drug Account -91904, there were an additional 66 domestic mail parcels. As identified in paragraph 17 above, 60 of the domestic mail parcels (**Subject Parcels 1- 60**) are packaged identical consisting of a white envelope from "Joe Kline, 519 N 11<sup>th</sup> Street, Lebanon, PA 17042" and addressed to "Carla Trading LLC, 1608 Ashland Avenue #91904, Chicago, Illinois 60608-2013" (Drug Account -91904) and appear to contain a folded piece of

paper containing a small plastic bag containing what appeared to be a granular or powder like substance inside of the envelope consistent with powdered cocaine, heroin, or fentanyl. Furthermore, **Subject Parcels 1 – 60** are identical to the seized Drug Package -3 which contained fentanyl. The other six domestic mail parcels (**Subject Parcels 61 - 66**) are each respectively different from **Subject Parcels 1 – 60**. They appear to be a financial documents, correspondence with the USPS, as well as other unknown contents. Also, **Subject Parcels 61 – 66** are each from different shippers, with different recipient names, and are packaged differently. Specifically, **Subject Parcel 61** is from PO Box 24410 located in Omaha, NE and addressed to Drug Account-91904. According to a Google search of PO Box 24410, the address appears to be associated with Merrick Bank. **Subject Parcel 62** is from HSBC (a multinational banking institution) and addressed to Drug Account -91904. **Subject Parcel 63** is from the United States Postal Service Group, International Research Group and addressed to Drug Account - 91904. **Subject Parcel 64** is from “J Cheung” in New York and addressed to Drug Account - 91904. **Subject Parcel 65** is from an unknown shipper and addressed to Drug Account -91904. **Subject Parcel 66** is from “B & D Labels” and addressed to Drug Account -91904. Based on the fact that I know this particular DTO relabels and repackages their smuggled narcotics, I believe that **Subject Parcel 66** could contain labels that could be used to further the DTO’s trafficking activities. Based on my training and experience, and the fact that I haven’t seen a lawful or legitimate purpose for Drug Account -91904 or a parcel/package that didn’t contain a counterfeit or controlled substance, I believe that **Subject Parcels 61 – 66** most likely contain drug records, drug related financial documents, shipping information, communications between co-conspirators and/or other drug customers, as well as additional counterfeit or controlled substances. **Subject Parcels 1 – 66** are further identified in **Attachment A**. Due to the fact

that I believe that all or some of **Subject Parcels 1 – 66** contain cocaine, methamphetamine or powdered fentanyl, an extremely potent and lethal drug, I have not submitted **Subject Parcels 1 – 66** for a narcotic K9 sniff.

#### **G. Agents Identify a Repackaging Facility in Hillsboro, OR Used to Transship**

##### **Counterfeit Viagra and Other Narcotics**

24. During the analysis of records for Drug Account -31494 and Drug Account - 91904, I identified a large “customer list” that these accounts transshipped parcels to from ECM. Furthermore, it was learned that the accounts were being paid for by a credit card in the name of “Yevhen Marakushyn” (“Marakushyn”). Suspecting that these addresses were involved in the distribution conspiracy to create “layers” to avoid detection by law enforcement, I went to “McKenzie Books” (“MB”) located in Hillsboro regarding a customer identified as “Herbal Land International” (“HLI”). The initials “HLI” was identified on almost every international package inspected and found to contain drugs. During an interview with a MB manager<sup>7</sup>, it was learned that “McKenzie Books” was a fulfillment / repackaging facility and that HLI was a customer. The MB manager stated that they currently had no inventory for HLI but was able to provide agents with one damaged bottle of “herbal supplement” that was not mailed back to HLI at an ECM location. During an inspection of the bottle, I noticed that the writing appeared to be in Chinese symbols, had a United States flag icon, and read “UNITED STATES LOPHOPHORA.” The MB manager stated that HLI had bottles of “herbal supplements” repackaged with new labels to identify the product as “BLUE POWER Male Enhancement Product” manufactured by HLI. According to the ingredients list on the new BLUE POWER labels, the product contained various herbal items. During an inspection of the contents of the bottle, I noticed that the bottle

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<sup>7</sup> The MB manager wishes to remain anonymous to protect his/her identity.

was sealed with a foil seal. Inside the bottle I found 30 blue triangle pills with the label “Pfizer VGR 100;” consistent with the labeling for Viagra. Based on the fact that the pill was found inside a sealed bottle labeled as “herbal supplements” that appeared to be imported from China and that it was repackaged with a new label, I formed the opinion that the pill was in fact a counterfeit. I subsequently sent a series of pictures of the triangle pills “Pfizer VGR 100” and the “herbal supplement” bottle / label to the parent company Pfizer Representative Brian Donnelly. Pfizer is the parent company responsible for the production and distribution of Viagra. I spoke to Pfizer Donnelly who provided his opinion that the pills were counterfeit. During a review of records and email correspondences between the HLI and MB, I learned that all the repackaged counterfeit Viagra bottles were transshipped to an internet fulfillment warehouse located in Traverse City, Michigan identified as “eFulfillment Service.” Furthermore, that the account was in the name of Marakushyn (same credit card information as Drug Account -31494) with an email address of yevhenmarak@yahoo.com (“Marakushyn’s email”).

#### **H. ECM is Victim of Cyber Attack After Assisting Law Enforcement**

25. Shortly after assisting law enforcement, starting on or about 1/19/18, ECM started to receive thousands of emails via the online portal. Furthermore, ECM started to receive hundreds of phone calls from concerned citizens that ECM had charged their credit card with an erroneous charge. During this time, the owner of Drug Account -31494 and Drug Account -91904 sent dozens of emails to ECM claiming that I was a “fake agent” and that he/she wanted their stuff back. Eventually it was learned that the owner of Drug Account -31494 and Drug Account -91904 launched the distributed denial-of-service (DDoS)<sup>8</sup> and voicemail attack in

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<sup>8</sup> A distributed denial-of-service (DDoS) attack occurs when multiple systems flood the bandwidth or resources of a targeted system, usually one or more web servers. Such an attack is often the result of multiple compromised

response to the large seizure of narcotics on 1/18/18. In an attempt to mitigate the cyberattack, ECM provided the account holder my name, cell phone number, and email address.

**I. Agents Identify a Cache of Counterfeit Viagra at an Internet Fulfillment Warehouse Located in Traverse City, Michigan**

26. As described above in paragraph 25, agents identified an internet fulfillment warehouse located in Traverse City, MI called “eFulfillment Service” (“ES”). On January 22, 2018, I served an administrative subpoena on ES requesting documents for HLI. During a review of the records, it was learned that HLI had a large cache (approximately 1,500 items) of “herbal supplements” and other items pending distribution at ES; some of which were identified as the same products that were verified to be counterfeit at MB and pills that were seized from ECM on 1/18/18. As such, I requested detention of all HLI inventory for potential violations of 18 U.S. Code § 545 and 18 U.S. Code § 2320. I subsequently recommended to ES to discontinue all relationships with HLI. Again, similarly to ECM, ES received emails from HLI claiming that I was a “fake agent” and that he/she wanted their inventory back. In an attempt to mitigate a potential cyberattack and conflict, ES provided the account holder my name, cell phone number, and email address.

**J. HLI Launches Cyberattack on HSI Personnel**

27. That same day, at approximately 4:30 p.m., I began to receive a large volume (several hundred per minute) of “spam” emails to my government email account via various “@aol.com” and “@aim.com” email addresses; which is similar to the DDoS attack on ECM.

28. At approximately 5:00 p.m., I began to receive a large volume (several every second) of text messages and phone calls. Initially, I answered several of the phone calls. The

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systems (for example, a botnet) flooding the targeted system with traffic.

callers stated that they had received a text message instructing them to call my cell phone number; which is similar to the voicemail attack on ECM.

29. Since then, my cell phone and email address have been under constant activity.

30. At approximately 5:43 p.m., I received an email to my government email account from Marakushyn using Marakushyn's email whereas Marakushyn identified my *personal home address* and effectively asking why I got his accounts with various mail forwarders canceled. Marakushyn signed the email "Yevhen, Herbal Land International."

31. At approximately 7:41 p.m., I wrote an email to Marakushyn's email stating in summary that the international smuggling / importation of counterfeit pharmaceuticals / narcotics to ECM, and the subsequent relabeling of the counterfeit pharmaceuticals at MB in Hillsboro, and the subsequent distribution via ES, was unlawful. I further explained that it was difficult to respond to his inquisition as my cell phone and email were under constant activity via him/her spamming.

32. At approximately 8:22 p.m., I received an email from Marakushyn's email stating the following:

a. "HA HA HA HA HA !!!! Nice try! Why are you using outlook to send emails from .gov domain? I will tell you why, that's because you're using them as spoofed alias. So you haven't answered any of my questions ? "

33. At approximately 11:16 p.m., I received an email from Marakushyn's email stating the following:

a. "Hello! Can you please send me your official governemt issued ID that proves you're working with DHS and also the docuemtns signed by the

prosecutor where I can clearly see that you're actually allowed to seize anything."

i. Based off this email sent by Marakushyn's email, I believe that all the counterfeit pharmaceuticals and other suspected narcotics seized from ECM Drug Account -31494, ECM Drug Account - 91904, MB, and ES account "Herbal Land International" are owned and/or controlled by the user of Marakushyn's email.

#### **K. Agents Seize More International Packages and Domestic Mail Parcels From ECM**

34. On January 24, 2018, I was contacted by the ECM manager stating that there were another 20 international packages and 17 domestic mail parcels that had arrived for ECM Drug Accounts -31494 and -91904.

35. On January 25, 2018, at approximately 9:15 a.m., I went to ECM located in Beaverton, OR. I met with ECM manager who provided me with 20 international packages belonging to Drug Account -31494 and 17 domestic mail parcels (**Subject Parcels 67 – 83**). **Subject Parcels 67 - 83** are all domestic mail parcels with standard white mailer envelopes shipped from "Joe Kline, 519 N 11<sup>th</sup> Street, Lebanon, PA 17042" to "Carla Buffington" at ECM address in Houston, TX. I held one of the packages up to a light and observed what appeared to be a folded piece of paper containing a small plastic bag. I also felt what appeared to be a granular or powder like substance inside of the envelope consistent with powdered cocaine, heroin, or fentanyl. **Subject Parcels 67 – 83** appeared to be almost identical to **Subject Parcels 1 – 60** and almost identical to Drug Package-3 seized by law enforcement on 1/17/18 containing fentanyl.

36. At approximately 9:30 a.m., I transported the 20 international packages and **Subject Parcels 67 – 83** to our HSI office located at 4310 SW Macadam Avenue, Portland, OR 97239.

37. At approximately 10:30 a.m., SA Chad Lindsly and I conducted an extended border search of the 20 international packages belonging to Drug Account -31494; all external packages labeled and/or classified as "herbal supplements." Approximately 30,878 pills of unknown substances were seized pending laboratory examination. After inspecting the contents of the bottles and/or boxes, how the bottles were labeled as "herbal supplements," the fact that the contents of the package were misclassified not identifying its true contents, and the country of origin, I formed the opinion that the pharmaceuticals were counterfeit. It is believed that the following counterfeit and/or smuggled pharmaceuticals were seized:

- a. "Xanax2" beige pills (suspected counterfeit Xanax): 702 each
- b. "OC 80" green pills (suspected counterfeit Oxycontin): 1,176 each
- c. "Tramadol 100mg" blister packs (suspected counterfeit Tramadol): 4,000 each
- d. "Modafinil 200mg" blister packs (suspected counterfeit Modafinil): 1,000 each
- e. "OL TRAM 100mg" blister packs (suspected counterfeit OL TRAM): 20,000 each
- f. "Tapentadol 100mg" blister packs (suspected counterfeit Tapentadol): 3,000 each
- g. "Aurogra 100" blister packs (a Viagra like product manufactured in India): 1,000

### Conclusion

38. Based on the fact that Drug Account -31494 and Drug Account -91904 appear to be part of the same DTO, namely by the same fictitious notary stamp “ROI STEPHENS,” international shipments from the same vendor and packaged in the exact same manner in white “Amazon.In” bags, that approximately 5,916 counterfeit Viagra pills were seized by HSI Raleigh from a parcel belonging to Drug Account -31494 on 11/28/17, that approximately 11,000 counterfeit Levitra pills were seized from a parcel belonging to Drug Account -31494 on 1/16/18, that a white envelope identical to **Subject Parcels 1 – 60** and **Subject Parcels 67 – 83** was seized by PPB containing suspected fentanyl on 1/17/18 from an identified recipient of fentanyl, that over 155,000 pills of suspected drugs were seized from Drug Account -31494 and/or Drug Account -91904 on 1/18/18, the fact that it appears that **Subject Parcels 1 – 60** and **Subject Parcels 67 – 83** contain more narcotics, namely a powdery substance consistent with heroin, cocaine, or fentanyl, and the fact that agents again seized 30,878 pills from Drug Account -31494 and 17 more domestic envelopes (**Subject Parcels 67 – 83**) from Drug Account -91904 on 1/26/28, I believe that **Subject Parcels 1 – 83**, more completely described in Attachment A, contain evidence, contraband, fruits, and instrumentalities of violations of the federal criminal statutes involving the unlawful use of the various mail servicers with intent to distribute controlled substances and proceeds of unlawful activity in violation of 18 U.S.C. § 1952(a)(1); distribution and possession with intent to distribute controlled substances in violation of 21 U.S.C. §§ 841(a) (1), 843(b) and 846; 18 U.S. Code § 2320; Trafficking in counterfeit goods or services; 18 U.S. Code § 545; Smuggling goods into the United States; and 18 U.S.C. § 1716, as well as evidence of conspiracy to commit these offenses in violation of 21 U.S.C. § 846, and criminal forfeiture related to drug trafficking, as provided in 21 U.S.C. § 853, as described above

and in Attachment B. I therefore request that the Court issue a warrant authorizing a search of the **Subject Parcels 1 – 83** described in Attachment A for the items listed in Attachment B and the seizure of any such items found.

39. Prior to being submitted to the Court, this affidavit, the accompanying application, and the requested search warrant were all reviewed by Assistant United States Attorney (“AUSA”) Kemp Strickland and AUSA Strickland advised me that, in his opinion, the affidavit and application are legally and factually sufficient to establish probable cause to support the issuance of the requested warrant.



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CLINTON LINDSLY  
Special Agent  
Homeland Security Investigations

Subscribed and sworn to before me this 31 day of January 2018.



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HONORABLE STACIE F. BECKERMAN  
United States Magistrate Judge